

S.B.CIVIL WRIT PETITION NO.42/1996

Gautam Chand
V.
Deputy Director, Rajasthan State Industrial
Development and Investment Corporation Ltd., Jaipur &
Ors.

Date of Order :: 12th July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. A.K.Rajvanshi, for the petitioner.
Mr. Jagdish Vyas, for the respondents.

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The Rajasthan Industrial Development and Investment Corporation Ltd. by a communication dated 27.11.1982 made a provisional offer to the petitioner for allotment of a plot measuring 2000 sq.mtrs. of land in Industrial Area, Mandore @ Rs.15/- per sq.mtr. The petitioner accepted the offer and deposited a sum of Rs.7500/- in favour of the respondent corporation as a part payment of development charges. The remaining sum of Rs.22500/- was required to be deposited by the petitioner upto the month of April, 1983 but he failed to do so. The term for deposition of amount was said to be extended but during extended period also the amount was not deposited. The petitioner ultimately made a request to the respondents in the month of August, 1985 to reduce the area of plot from 2000 sq.mtrs. to 1000 sq.mtrs. The request so made was accepted by the respondents by a communication dated 31.8.1985 and the petitioner was

directed to deposit remaining sum relating to 1000 sq.mtrs. within a period of 15 days from 31.8.1985. The petitioner by a communication dated 20.9.1985 made a further request for extension of time period for depositing the amount concerned. The petitioner was requested by the respondents under a communication dated 28.9.1985 to deposit the remaining sum at earliest but no action was taken to do needful. The respondent corporation ultimately under a communication dated 4.5.1993 conveyed the petitioner that the plot in question could be allotted to him only at the existing rate i.e. of Rs.45/- per sq.mtr. and not @ Rs.15/- per sq.mtr. as offered in the year 1983. Being aggrieved by the same this petition for writ is preferred.

The contention of the petitioner is that the respondents had no authority to enhance land cost beyond the offer made under the communication dated 27.11.1982.

In reply to the writ petition the respondents have explained the circumstances leading to enhancement of the land cost. It is asserted that the land was allotted to the petitioner in the year 1982 but no effort was made by him to execute the lease deed and get occupation of the land concerned. No amount relating to development charges beyond the sum of Rs.7500/- was ever deposited by the petitioner.

It is further stated that the land allotted to the petitioner was cancelled by an order dated 21.6.1995 and, therefore, whatever relief claimed in petition for writ cannot be given.

Heard the counsel for the parties.

On face, I am convinced with the contention of counsel for the respondents that after cancellation of allotment of plot the relief claimed by the petitioner with regard to allotment of plot at the land cost offered in the year 1982 does not survive. As a matter of fact, in view of cancellation of allotment of plot this petition for writ has become infructuous and on this count alone it deserves to be dismissed.

Even on merits, I do not find any case in favour of the petitioner. The respondents allowed several opportunities to the petitioner to deposit the land charges beyond the sum of Rs.7500/- but for one or other reason the petitioner did not choose to do so. The petitioner was intentionally prolonging the deposition of land cost and was not making any effort for getting possession of plot. The respondents were generous enough to allot plot to the petitioner even in the year 1995 though the original offer for allotment was made in the year 1982. There was no wrong on part of the respondents in enhancing the land

cost from Rs.15/- to Rs.45/- per sq.mtr. in the year 1995. It is a matter of common understanding that in a period of 13 years the cost of the land must have been enhanced.

In view of the discussion made above, this petition for writ is having no merit and, therefore, is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.